

REMARKS

Reconsideration of the pending application is respectfully requested. Claims 22-29 and 33-44 are currently pending in the above referenced application. Claims 1-21 and 30-32 have been canceled.

35 U.S.C. §102 REJECTIONS

The Examiner has maintained the rejection of claims 22-24, 26, 33, 38, 39, 41-42 and 44 under 35 USC §102(e) as being anticipated by HEALEY (US 2002/01877701). Applicant respectfully traverses the Examiner on this ground of rejection.

Examiner alleges in the Office Action dated Feb. 07, 2006, and maintained here, that HEALEY discloses a filter media that includes a middle-filtering layer formed from at least one meltblown layer having different gradients of basis weight (Claim 23 HEALY). Examiner then interprets that such different gradients of basis weight provides for gradients in porosity.

HEALEY discloses in Claim 23:

The multi-layer filter media of claim 22, wherein: the first coarse, high loft meltblown layer of the filtering component has a web basis weight in the range of about 35 to 75 grams/m²; the second coarse, stiff fiber meltblown layer of the filtering component has a web basis weight in the range of about 10 to 50 grams/m²; and the third fine fiber meltblown layer of the filtering component has a web basis weight in the range of about 20 to 60 grams/m².

Applicant is currently claiming a mat of fibrous media having a first layered mat portion and at least a second layered mat portion wherein each mat portion has a varied fiber size distribution and varied permeability. There is no teaching or suggestion in HEALEY of having a varied fiber size distribution or varied permeability within a single layer.

Examiner alleges that Healey uses the same process to produce his product and hence meets these limitations since attenuating the fibers is inherent to the melt blown process. However, there is there no teaching or suggestion of attenuating as layers from spaced orifice sources directly to separate, spaced collector sources producing the varied fiber size distribution and varied permeability within each layer as claimed. Therefore, these limitations are not disclosed in HEALY, hence, Applicant's Attorney respectfully requests this ground of rejection be withdrawn.

The Examiner has rejected claims 22-24, 26-29, 33-39, 41-42 and 44 under 35 USC §102(b) as being anticipated by EP 0960645 A2. Applicant respectfully traverses the Examiner on this ground of rejection.

Examiner alleges that EP '645 reference discloses a three-layer vacuum cleaner bag construction that comprises a filtration grade meltblown layer attenuated together upon formation. Again, Applicant is currently claiming the fiber layers each being attenuated from spaced orifice sources directly to separate collector sources forming a varied fiber size distribution and varied permeability within a single layer. EP '645 does not disclose having a varied permeability or a varied porosity within a single layer. Therefore, Applicant's Attorney respectfully requests this ground of rejection removed.

The Examiner has rejected Claims 22-27, 33-34, 36, 38, 39-41 and 43 under 35 U.S.C. § 102(b) as being anticipated by HEALEY (WO 01/32292 A1). Examiner alleges that WO '292 discloses a filter media comprising a synthetic micro fibers polymer fine fiber wherein the diameter of the fibers is between about 0.8 to about 1.5 microns, a filter media composite that includes a coarse fiber layer, and a meltblown polymer fine fiber web which is mechanically entwined with coarse fiber layer.

Applicant respectfully traverses the Examiner on this ground of rejection. Again, Applicant is currently claiming the fiber layers each being attenuated from spaced orifice sources directly to separate collector sources forming a varied fiber size distribution and a varied permeability within a single layer. Since WO '292 also fails to disclose the presently claimed invention, Applicant's Attorney respectfully requests that this rejection be withdrawn as well.

35 U.S.C. §103 REJECTIONS

The Examiner has rejected claims 25, 40 and 43 under 35 USC §103(a) as being unpatentable over EP 0960645 A2 as applied above, and further in view of HEALEY. Again, neither HEALEY nor '645 teach a varied fiber size distribution or a varied permeability within a single layer. Since none of the cited references, alone or in combination, teach the presently claimed invention, Applicant's Attorney respectfully requests that this rejection be withdrawn.

CONCLUSION

Applicant's Attorney believes that the instant application is now in condition for allowance and therefore respectfully requests that the Examiner withdraw the pending rejections. However, if the Examiner believes there are other unresolved issues in this case, Applicant's Attorney of record would appreciate a call at (502) 584-1135 to discuss such remaining issues.

Respectfully submitted,

/Steve A. Witters/

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